

**REMARKS**Amendments to the Claims

Claims 29 and 55 are amended to specify the treatments do not include the administration of a radiolabeled anti-CD20 antibody. Claims 34, 60, and 94 are amended herein to incorporate the limitations of cancelled claim 95, in addition to the presently added limitation to claims 29 and 55. No new matter is added and entry is respectfully requested.

Summary of the Interview

Applicants thank Examiner Harris for the courtesy of an interview held August 18, 2009. During the interview, Applicants addressed issues raised in the Final Rejection of 19 February 2009, and Applicants' response thereto. In particular, Applicants and the Examiner discussed:

- the distinction between high prevalence of CD20 antigen expression on CLL and low antigen density on CLL cells, particularly in comparison to NHL cells;
- the significance of the high circulating tumor burden in CLL patients, as compared to NHL patients, as to expectations about the capacity of the immune system to support an effective immune response in CLL patients;
- the discussion in Example IV of the Kaminski patent of the possibility of potentiating cell killing through a combined administration of an unlabeled antibody and a radioimmunotherapeutic agent;
- the clinical experiences of Dr. Schenkein as discussed in his first and second declarations, and
- the clinical observations reported in *Jensen et al.*, regarding the administration of rituximab to CLL patients.

The Examiner indicated during the interview that the response and Dr. Schenkein's declarations appeared to adequately explain the distinctions between prior art anti-CD20 treatment methods of NHL relative to the presently claimed methods for treating CLL. The Examiner also suggested that Applicants incorporate the limitation presently imposed by dependent claim 95 into claims 34, 60 and 94, and to specify in each of the independent claims that the method does not include treatment with a radiolabeled anti-CD20 antibody, to facilitate her consideration of any outstanding issues remaining in the application. The Examiner indicated that she would consider the amendment in the course of her upcoming review of the application, and that filing the amendment now would not lead to delays in such review.

### **CONCLUSION**

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims as currently presented are in condition for allowance. If, for any reason, the Examiner disagrees, he is requested to contact the undersigned attorney at 202-736-8143 in an effort to resolve any matter still outstanding *before* issuing another action. Favorable reconsideration is respectfully requested.

In the unlikely event that the Patent Office determines that extensions and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or fees due to our Deposit Account No. **18-1260**, referencing Docket No. **27693-01201**.

Respectfully submitted,

/Jeffrey P. Kushan/

Jeffrey P. Kushan, Reg. No. 43,401  
Attorney for Biogen Idec Inc.

August 24, 2009

SIDLEY AUSTIN LLP  
1501 K Street, N.W.  
Washington, DC 20005

tel. (202) 736-8914  
fax (202) 736-8711